

Panaji, 25th January, 1973 (Magha 5, 1894)

SERIES I No. 43

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN
AND DIU

Special Department

Notification

OSD/RRVS/29/72

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Department of Co-operation (including Marketing Wing) (Non-gazetted, non-Ministerial posts) Service Rules, 1966 issued under Notification dated 28th May, 1966 and published in Government Gazette Series I No. 15 dated 14th July, 1966 namely:—

1. *Short Title and Commencement.*— (i) These rules may be called the Goa Government, Department of Co-operation (including Marketing Wing) (Non-gazetted, non-ministerial posts) Recruitment (First Amendment) Rules 1972.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification against the post of Jr. Auditor/Jr. Co-operative Inspector appearing at serial No. 1.

(a) For the existing entry in column 10 substitute:—

“25% by promotion and 75% by direct recruitment”

(b) For the existing entry in column 11 substitute:—

“Promotion.— Upper Division Clerks from the Department with 3 years service in the grade.”

(c) For the existing entry in column 12 substitute:—

“class III D. P. C.”

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 15th January, 1973.

Home Department 'A'

ORDER

HD-44-58/72-A

In exercise of the powers conferred by clauses (a) and (b) of Section 5 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971), the Government of the Union Territory of Goa, Daman and Diu hereby makes the following order namely:—

Preliminary

1. This order may be called the Goa, Daman and Diu Conditions of Detention Order 1973.

2. It shall come into force at once.

3. (a) Health Officer — means a Govt. Health Officer of the area in which the security prisoner is detained.

(b) Inspector General — means the Inspector General of Police, Goa, Daman and Diu.

(c) “Detaining Authority” means the Government of the Union Territory or any Officer Specified in sub-section (2) of section 3 of the Act.

(d) “District Magistrate” means the District Magistrate or the additional District Magistrate of the District in which the Security prisoner is detained.

(e) “Government” means the Government of the Union Territory, Goa, Daman and Diu.

(f) “Superintendent” means in the case of security prisoner detained in a jail or sub-jail, the person in charge of the jail or sub-jail in which the security prisoner is detained;

(g) “Superintendent of the Hospital” means the person in charge of the Government Hospital or Health Centre;

(h) “Security prisoner” means a person with respect to whom a detention order is made by the State Government or an Officer subordinate to it under the Act.

Place of Detention

4. A security prisoner shall be detained in a jail or a sub-jail.

5. (1) Any security prisoner may be removed from a jail, sub-jail, as the case may be;

(i) to any hospital or health Centre for medical examination or treatment or as indoor patient if

in the opinion of Superintendent or Inspector General it is necessary to do so for the reason of health of such prisoner;

(ii) to a criminal Court in the Union Territory of Goa, Daman and Diu, if such court requires the attendance of such prisoner for answering a charge of a Criminal Offence in any proceeding against him; or

(iii) to any Civil or Criminal Court in the Union Territory of Goa, Daman and Diu for giving evidence in any case pending before it.

(2) No security prisoner shall be removed under item (iii) of sub-clause (1) unless previous permission of Government has been obtained which shall be refused if the Government think it necessary to do so in the interest of public order.

Classification

6. (i) Security prisoner detained in a jail or a sub-jail shall be divided into two classes, namely Class I & Class II. Classes shall be given to a security prisoner according to the state of his health, age, education and mode of living.

(ii) The classification of each security prisoner shall be made by the detaining authority in accordance with the principles specified in sub-clause (i).

Accommodation

7. Where a security prisoner is detained in a jail or a sub-jail, he shall be kept in a cell or association ward.

8. Security prisoners shall be allowed to communicate with each other provided that Superintendent or the Inspector General may if he considers it desirable to do so on the ground of health of the prisoner or for any other reason, confine such security prisoners separately. Security prisoners shall, as far as possible be kept separate from other kinds of prisoners. Security prisoners of one class shall as far as possible, be kept separate from those of the other Class.

Clothing

9. Security prisoners may be allowed to use their own clothes and bedding. Superintendent may, in his discretion, permit the supply of extra clothes and bedding to a security prisoner by his friends or relatives or at his own expenses. In cases where security prisoners have no sufficient clothing of their own and have neither funds to buy it with, nor friends or relatives to supply it, they may be supplied with clothing at Government Cost on the scale mentioned below. The pattern of this clothing shall be different from that for convict and cloth shall be without the Jail Regulations stripes:—

Scale of clothing for male security prisoners

Name of articles	Number of articles for Class I security prisoners	Number of articles for Class II security prisoners
(1) Bush coats ...	2	2
(2) Shirts ...	2	2
(3) Long pants ...	2	—
(4) Shorts ...	2	2

Name of articles	Number of articles for Class I security prisoners	Number of articles for Class II security prisoners
(5) Underwears (Vests) ...	2	2
(6) Chaddies in lieu of "lungoties" ...	2	2
(7) Towels H. C. ...	2	2
(8) C. W. Nehru Jackets ...	2	2

Note (1) — If long pants are given to Class II security prisoners shorts shall not be supplied.

Note (2) — Jackets will be supplied for use only in cold weather.

Scale of clothing for Class I and Class II female security prisoners

Name of articles	Number of articles
(1) Saree ...	2
(2) Blouses ...	2
(3) Bodices ...	2
(4) Chaddies ...	2
(5) Lungoties ...	2
(6) Towels H. C. ...	2
(7) C. W. Nehru Jacket ...	1
(8) Petti-coats ...	2

Note (1) — Chaddies and petti-coats will be supplied only to those female security prisoners of either class who use 6 yard sarees.

Note (2) — Jackets will be supplied for use only in cold weather.

Diet

10. (i) Both the classes of security prisoners shall be given diet on the same scales as are prescribed for convicts according to jail regulations.

They shall also get the following additional diet if required and found convenient:

Additional diet for Class I security prisoners

(1) Butter or ghee	14 grams	Daily.
(2) Milk ...	113 grams	
(3) Sugar or molasses ...	14 grams	
(4) Potatoes ...	170 grams	
(5) Fruits ...	Worth 25 nP.	Three times a week.

Note — The diet of potatoes in item (4) shall be supplied in substitution of, and not in addition to the diet of potatoes prescribed for convicts, namely 170 grams on three days in a week.

Additional diet for Class II security prisoners

(1) Milk ...	170 grams	Daily.
(2) Sugar ...	43 grams	
(3) Potatoes ...	170 grams	
(4) Rice	Trice a week, vide
(5) Wheat	Note 3 below.
(6) Milk or curd ...	113 grams	Twice a week.

Note (1) Though the additional diet is prescribed daily it may be supplied to the security prisoner once in a week for the whole week.

(i) Security prisoner may also be allowed to supplement their diet at their own expense if found necessary by the detaining authority.

(ii) Special diet may be supplemented if recommended on medical grounds for security prisoner who is unable to do so at his own expenses by applying to the Superintendent of Police or the Jail as the case may be.

(iii) The diet or other eatables received from a friend or relative of a security prisoner is subject to search by such police or jail officer as may be authorised by Inspector General or Superintendent as the case may be.

(iv) Each security prisoner shall be given 10 grms. of tea daily.

(v) Consumption of liquor will not be allowed even if supplemented at his own cost unless specially allowed by the detaining authority on medical grounds.

Supply of funds

11. (i) A Security prisoner may, with previous sanction of detaining authority receive every month from any relative or friend an amount not exceeding Rs. 50/- and may be allowed to utilise the said amount for small amenities.

(ii) The funds so received shall be kept by the Superintendent and spent by him for security prisoner concerned not exceeding the limit of Rs. 50/- per month.

Tasks

12. (i) Security prisoners may be assigned task by the Superintendent with due regard to their state of health, age, physical and Medical capacity, character, education and antecedents and may receive remuneration for their work at such rates, if allowed according to jail regulation.

Searches

13. Security prisoners and the rooms, wards or cells in which they are accommodated shall be searched not less than once a week, but may be searched oftener or at any time if the Inspector General or Superintendent considers if necessary. A security prisoner shall also be searched immediately after admission and thereafter before and after every interview with any person other than a police officer. Special precautions shall be taken to make the searches thorough and the fact that the search has been made shall be noted in the report book of the officer making the search. The search shall be made by a Jailor, Jail Guard or such other officer as may be authorised in this behalf by the Inspector General or the Superintendent.

Interviews

14. (i) Except on the written order of the Superintendent, Inspector General or Inspector General of Prisons no security prisoner shall be permitted to have an interview with any person other than a police officer.

(ii) The number of interviews shall not ordinarily exceed, in case of a Class I security prisoner, one per fortnight and in case of Class II security prisoner one per month.

(iii) Not more than three visitors shall be allowed to remain present simultaneously at any one interview, except in case of near relatives it may be increased to five.

(iv) The application for interview from persons other than police officers shall be made to the Inspector General or Inspector General of Prisons as the case may be in form 'A' appended hereto.

(v) The time, place and duration of each interview shall be informed to the applicant and copy thereto sent to Superintendent.

(vi) If the interview is refused the fact shall be reported by the officer refusing the interview to the Government.

(vii) Every interview shall be in the presence of an officer attached to the place of detention who may terminate it at any time, if in his opinion the conversation is detrimental to the public interest or safety.

(viii) Future interview may be prohibited if interviews are published, and warning to that effect shall be given at the close of the interview by the officer present at the time of interview.

(ix) Legal Adviser of the security prisoner may be granted interview in connection with a contemplated legal proceeding. The interview with legal Adviser shall not be heard by any officer. The interview also may be granted to Legal Adviser if the security prisoner wants to make representation under S.8 of the Act.

(x) The security prisoner may be allowed special interview for settlement of his business or professional affairs within a period of two months from the date of his detention.

(xi) A security prisoner may be permitted to have interview with his election agent, if he wishes to contest any election to Parliament or State Legislature, twice a week until the date of Election.

Police Interview, Photograph and Finger Prints

15. (i) The detaining authority may by general or special order authorise Superintendent to have interviews with Security prisoner.

(ii) The Superintendent or any police officer so authorised may take photograph and finger prints and take specimens of signature and handwriting of a security prisoner.

Books & Newspapers

16. Security prisoner may be allowed to read book and periodicals if available to at the place of detention and may be allowed to read newspapers at his cost by subscribing and receiving them by post.

Correspondence and Censorship

17. (i) Security prisoners shall ordinarily be permitted to write two letters and receive four letters per week. Out of the two letters allowed per week, one shall be at Government cost. Extra letters and telegrams may be allowed, when necessary, by the Inspector General or Superintendent in his discretion at the cost of the security prisoner.

(ii) A security prisoner may be allowed to correspond with another security prisoner in another

place of detention on condition that such correspondence is limited to personal and private matters.

(iii) All letters to and from security prisoners shall be censored by the Inspector General or Superintendent, as the case may be. If in the opinion of the Inspector General or the Superintendent, the despatch or delivery of any letter is likely to be detrimental to the public interest or safety or the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of security prisoners, the Inspector General or the Superintendent shall comply with any general or special instructions issued by Government.

(iv) Every letter forwarded to or from any security prisoner shall be initialled and dated by the officer who handled the letter.

(v) The receipt and despatch of telegrams by security prisoners shall be subject to the same control as is hereinbefore provided for letters except that the number or telegrams which may be despatched by security prisoners shall be within the discretion of the Inspector General or the Superintendent.

(vi) In all cases in which a letter or a telegram is withheld, the security prisoner shall be informed of the fact of such withholding.

(vii) When the telegram is to or from Government, it shall be forwarded direct provided that if the telegram is to or from the Central Government, it shall be sent through the Government of Goa, Daman and Diu.

(viii) Security prisoners shall attach to all their out-going letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram.

(ix) The Inspector General or the Superintendent, as the case may be, shall have discretion to decide in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

18. The security prisoner who is Member of Parliament or State Legislature shall be allowed direct correspondence with the Presiding Officer of the House without being censored.

Provided he is a sitting member having been administered an oath as required by the constitution.

19. Any petition made to the Court or representation which a security prisoner may submit shall expeditiously be forwarded to the addressee direct. If the petition is addressed to the Judicial Commissioner it shall be sent to the Registrar, Judicial Commissioner Court, Panaji, in sealed envelope. The copy of the petition shall be sent to Government whenever the officer concerned considers it necessary to do so.

Discipline and punishment for breaches of discipline

20. Security prisoners shall, for the purposes of discipline and punishment for breaches of discipline be subject, as if they were convicted prisoners as per provisions of the Prisons Act, 1894 (Act IX of 1894) and the rules made thereunder.

Medical Attendance

21. The security prisoner shall be medically examined every week by a Medical Officer of the Jail and monthly report on his physical condition shall be submitted to the detaining authority and Inspector General.

Furniture and other articles

22. A class I security prisoner shall be supplied with (i) one bed (ii) one chair (iii) table (iv) mosquito net (2) one water jug and tumbler as the Superintendent deems it convenient.

Toilet

23. The security prisoner shall be supplied one cake of washing soap of 57 grms. fortnightly and one toilet soap per month for bathing at Government expense.

24. (i) Unless prohibited on the ground of safety the security prisoner may be allowed to have shaving equipment of his own.

(ii) If the security prisoner has no such equipment he may be allowed to have services of Jail barber as per jail regulations.

25. The female security prisoners shall be allowed to retain glass bangles and if married the Mangal Sutra (black necklace).

Smoking and Tobacco

26. A security prisoner may be permitted to smoke or chew tobacco or to do both at his own expenses provided that either or both the privileges shall be liable to be withdrawn if abused.

Games

27. Wherever accommodation permits, security prisoners may be permitted by Superintendent to play in-door games like cards at their own expenses and in-expensive games like ring tennis at Government expense.

28. The security prisoners may be permitted to play chess, draughts and carrom at their own expense.

Lights for reading

29. Security prisoner shall be supplied with sufficient light for reading at night till 10.00 p.m. A separate light may not be provided for each prisoner in barracks.

Washing Arrangements

30. Class I security prisoner may be permitted to have his clothes washed by a washerman at his own expense. The charges for ten clothes per month shall be borne by the Government.

Conveyance Arrangements

31. (i) No special arrangement shall be made for security prisoner unless he takes previous sanction from the detaining authority and bears the cost of the travel.

(ii) Whenever a security prisoner is released he shall be paid the cost of journey to the place from where he is arrested.

32. (1) A security prisoner shall be handcuffed or bound while being escorted from one place to another if the Superintendent so directs in writing.

(2) Notwithstanding anything contained in clause (1) a security prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that security prisoner will use violence or attempt to escape or an attempt will be made to rescue him.

Miscellaneous

33. All particulars relating to security prisoners shall be entered in a separate register (with serial numbers) and returns of statistics relating to them shall be submitted as far as may be on the lines of jail returns.

34. Notwithstanding anything contained in this Order, a security prisoner who has been convicted of an offence under any law for the time being in force and sentenced to imprisonment shall be deemed to be a convicted criminal prisoner within the meaning of the Prisons Act, 1894 and shall be governed by the provisions of that Act, and the rules made thereunder during the term of imprisonment.

Provided that nothing in this condition shall affect the powers of the Government to remove such convicted prisoner from one place of detention to another place of detention under clause (b) of section 5 of the Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 17th January, 1973.

FORM 'A'

Form of Application for interview

[vide Clause 14(III)]

Name of security prisoner to be interviewed.

Name of the applicant.

Relationship of the applicant to the security prisoner to be interviewed.

Full address of the applicant.

Purpose for which the interview is desired.

Date

Hour ... a.m./p.m.

Signature of the applicant.

HOME DEPARTMENT

Secretariat

Panaji

Maintenance of Internal Security Act, 1971.

No.

In exercise of the powers conferred by section 9 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971)

the Government of the Union Territory of Goa, Daman and Diu hereby

(1) Constitutes an Advisory Board for the purpose of the said Act.

(2) Appoints Shri ... to be the Chairman and Shri ... to be the members of the said Board.

By order and in the name of the Administrator of Goa, Daman and Diu.

Secretary to Government.

Date: —

HOME DEPARTMENT

Secretariat

Panaji

ORDER

The Maintenance of Internal Security Act, 1971.

No.

In exercise of the powers conferred by clause (a) of section 5 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971) the Government of Goa, Daman and Diu hereby directs that person in respect of whom detention order is in force shall, save as otherwise provided by any special order of the Government of Goa, Daman and Diu, be liable to be detained in any of the places specified hereunder:—

- (1)
- (2)
- (3)
- (4)
- (5)

By order and in the name of the Administrator of Goa, Daman and Diu.

Secretary to Government.

Law and Judicial Department

Notification

LD/39/4/72

The General Insurance Business (Nationalisation) Act, 1972 (57 of 1972), The Seeds (Amendment) Act, 1972 (55 of 1972), The Mines and Minerals (Regulation and Development) Amendment Act, 1972 (56 of 1972) which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 21st October, 1972.

The General Insurance Business (Nationalisation) Act, 1972

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THE SCHEDULE.

The General Insurance Business (Nationalisation) Act, 1972

AN
ACT

to provide for the acquisition and transfer of shares of Indian insurance companies and undertakings of other existing insurers in order to serve better

the needs of the economy by securing the development of general insurance business in the best interests of the community and to ensure that the operation of the economic system does not result in the concentration of wealth to the common detriment, for the regulation and control of such business and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. **Short title.**— This Act may be called the General Insurance Business (Nationalisation) Act, 1972.

2. **Declaration as to the policy of the State.**— It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (c) of article 39 of the Constitution.

Explanation.— In this section, "State" has the same meaning as in article 12 of the Constitution.

3. **Definitions.**— In this Act, unless the context otherwise requires, —

(a) "acquiring company" means any Indian insurance company and, where a scheme has been framed involving the merger of one Indian insurance company in another or the amalgamation of two or more such companies, means the Indian insurance company in which any other company has been merged or the company which has been formed as a result of the amalgamation;

(b) "appointed day" means such day, not being a day later than the 2nd day of January, 1973, as the Central Government may, by notification, appoint;

(c) "Companies Act" means the Companies Act, 1956; 1 of 1956.

(d) "Corporation" means the General Insurance Corporation of India formed under section 9;

(e) "existing insurer" means every insurer the management of whose undertaking has vested in the Central Government under section 3 of the General Insurance (Emergency Provisions) Act, 1971, and includes the 17 of 1971. undertaking of the Life Insurance Corporation in so far as it relates to the general insurance business carried on by it;

(f) "foreign insurer" means an existing insurer incorporated under the law of any country outside India;

(g) "general insurance business" means fire, marine or miscellaneous insurance business, whether carried on singly or in combination with one or more of them, but does not include capital redemption business and annuity certain business;

(h) "Government company" means a Government company as defined in section 617 of the Companies Act;

(i) "Indian insurance company" means an existing insurer having a share capital who is a company within the meaning of the Companies Act;

(j) "Insurance Act" means the Insurance Act, 1938; 4 of 1938.

(k) "Life Insurance Corporation" means the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956; 31 of 1956.

(l) "notification" means a notification published in the Official Gazette;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "Schedule" means the Schedule to this Act;

(o) "scheme" means the scheme framed under section 16;

(p) words and expressions used in this Act but not defined herein and defined in the Insurance Act, shall have the meanings respectively assigned to them in that Act;

(q) words and expressions used in this Act but not defined herein or in the Insurance Act and defined in the Companies Act, shall have the meanings respectively assigned to them in the Companies Act.

CHAPTER II

Transfer to public ownership of general insurance business

4. Transfer of shares of Indian insurance companies.—(1) On the appointed day all the shares in the capital of every Indian insurance company shall, by virtue of this Act, stand transferred to and vested in the Central Government free of all trusts, liabilities and encumbrances affecting them.

(2) Out of the shares so transferred and vested, the Central Government shall, immediately thereafter, by notification, provide for the transfer of not less than ten shares of every such company to such persons as may be specified in the notification to enable the Indian insurance company to function as a Government company.

(3) Every notification made under sub-section (2) shall specify the names and description of the persons to whom the shares are transferred and the particulars of the shares which are transferred to each such person.

(4) A copy of every notification made under sub-section (2) shall, as soon as may be after it is made, be sent by the Central Government to the concerned Indian insurance company, who shall, on receipt of such copy, and notwithstanding anything contained in the Companies Act or in its articles of association, forthwith rectify its register of members by including therein the persons mentioned in the notification as the holders of the shares specified therein.

(5) For the removal of doubts it is hereby declared that the transfer and vesting of shares effected under sub-section (1) shall not be deemed to affect any right of the Indian insurance company subsisting immediately before the appointed day against any shareholder to recover from him any sum of money on the ground that that shareholder has not paid or credited to the insurer the whole or any part of the value of the shares held by him or on any other ground whatsoever.

5. Transfer of undertakings of other existing insurers.—(1) On the appointed day, the under-

taking of every existing insurer who is not an Indian insurance company shall stand transferred to and vested in the Central Government and the Central Government shall immediately thereafter provide, by notification, for the transfer to and vesting in such Indian insurance company, as it may specify in the notification, of that undertaking.

(2) Any notification made under sub-section (1) may provide that any of the undertakings aforesaid may be transferred to and vested in more than one Indian insurance company in such manner and subject to such conditions as may be specified in the notification.

6. Effect of transfer of undertakings.—(1) The undertaking of every such existing insurer as is referred to in section 5 shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of such existing insurer in relation to the undertaking, whether within or without India, and all books of accounts, registers, records and all other documents of whatever nature relating thereto, and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the existing insurer in relation to the undertaking.

(2) Unless otherwise expressly provided by this Act, all deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which any such insurer as is referred to in section 5 is a party or which are in favour of such existing insurer shall be of as full force and effect against or in favour of the Indian insurance company in which the undertaking or the part to which the instrument relates has vested and may be enforced or acted upon as fully and effectually as if, in the place of the existing insurer referred to in section 5, the Indian insurance company in which the undertaking or any part thereof has vested had been a party thereto, or as if they had been issued in its favour.

(3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertaking which has been transferred under section 5 is pending by or against any such existing insurer as is referred to in that section, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the undertaking or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Indian insurance company in which the undertaking or the part to which the proceeding relates has vested.

(4) For the removal of doubts it is hereby declared that in the case of a foreign insurer or, as the case may be, the Life Insurance Corporation, the provisions of section 5 and of the preceding sub-sections shall only apply to the extent to which any property appertains, in the former case, to the general insurance business carried on in India and, in the latter case, to the general insurance business carried on, whether within or without India, and to rights and powers acquired, and to debts, liabilities

and obligations incurred and to contracts, agreements and other instruments made by the foreign insurer or the Life Insurance Corporation, as the case may be, for the purpose of such general insurance business and to legal proceedings relating to those purposes, and the said provisions shall be construed accordingly.

(5) If any question arises as to whether any property appertains to any such general insurance business as is referred to in this section or whether any rights, powers, liabilities or obligations were acquired or incurred or any contract, agreement or other instrument was made by the foreign insurer or the Life Insurance Corporation, as the case may be, for the purposes of any such business or whether any documents relate to those purposes, the question shall be referred to the Central Government which shall, after giving an opportunity of being heard to the persons interested in the matter, decide it in such manner as it thinks fit.

7. Transfer of service of existing employees in certain cases.—(1) Every whole-time officer or other employee of an existing insurer other than an Indian insurance company who was employed by that insurer wholly or mainly in connection with his general insurance business immediately before the appointed day shall, on the appointed day, become an officer or other employee, as the case may be, of the Indian insurance company in which the undertaking of that insurer or that part of the undertaking to which the service of the officer or other employee relates has vested, and shall hold his office or service under the Indian insurance company on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting, and shall continue to do so unless and until his employment in the Indian insurance company in which the undertaking or part has vested is terminated or until his remuneration, terms and conditions are duly altered by that Indian insurance company:

Provided that nothing in this sub-section shall apply to any such officer or other employee who has given, in writing, notice to the Central Government or to any person nominated in this behalf by that Government before the appointed day intimating his intention of not becoming an officer or employee of the Indian insurance company in whom the undertaking or part thereof to which his service relates has vested.

(2) If any question arises as to whether any person was a whole-time officer or employee, or as to whether any officer or employee, was employed wholly or mainly in connection with the general insurance business of the existing insurer referred to in sub-section (1), immediately before the appointed day, the question shall be referred within a period of two years from the appointed day and not thereafter, to the Central Government which shall, after giving an opportunity of being heard to the person concerned in the matter, decide it in such manner as it thinks fit and such decision shall be final.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other employee under sub-section (1) shall not entitle any such

officer or other employee to any compensation under that Act or such other law, and no such claim shall be entertained by any court, tribunal or other authority.

8. Provident, superannuation, welfare and other funds.—(1) Where an existing insurer has established a provident, superannuation, welfare or any other fund for the benefit of his employees and constituted a trust in respect thereof (hereafter in this section referred to as an existing trust), the moneys standing to the credit of such fund on the appointed day, together with any other assets belonging to such fund, shall stand transferred to and vested in the Indian insurance company on the appointed day free from any such trust.

(2) Where all the employees of the Life Insurance Corporation or any other existing insurer do not become employees of an Indian insurance company, the monies and other assets belonging to any such fund as is referred to in sub-section (1), shall be apportioned between the trustees of the fund and the Indian insurance company in the prescribed manner; and in case of any dispute about such apportionment the decision of the Central Government thereon shall be final.

(3) Where the undertaking of an existing insurer has vested in more than one Indian insurance company, the Central Government may, by order, provide for the apportionment among such Indian insurance companies of monies and other assets belonging to any existing trust relating to that undertaking in such manner as in its opinion may be appropriate.

(4) The Indian insurance company shall as soon as may be after the appointed day constitute in respect of the moneys and other assets which are transferred to and vested in it under this section one or more trusts having objects as similar to the objects of the existing trusts as in the circumstances may be practicable.

(5) Where all the moneys and other assets belonging to an existing trust are transferred to and vested in an Indian insurance company under this section, the trustees of such trust shall, as from the appointed day, stand discharged from the trust, except as respects things done or omitted to be done before the appointed day.

CHAPTER III

General Insurance Corporation of India

9. Formation of General Insurance Corporation of India.—(1) As soon as may be after the commencement of this Act, the Central Government shall form a Government company in accordance with the provisions of the Companies Act, to be known as the General Insurance Corporation of India for the purpose of superintending, controlling and carrying on the business of general insurance.

(2) The authorised capital of the Corporation shall be rupees seventy-five crores, divided into seventy-five lakhs fully paid-up shares of one hundred rupees each, out of which rupees five crores shall be the initial subscribed capital of the Corporation.

(3) Notwithstanding anything contained in the Companies Act, 1956, it shall not be necessary to add the word "Limited" as the last word of the name of the Corporation.

10. Transfer to Corporation of shares vested in Central Government. — All the shares in the capital of every Indian insurance company which stand transferred to and vested in the Central Government by virtue of section 4 [with the exception of the shares transferred to any person under sub-section (2) of that section] shall, immediately after such vesting, stand transferred to and vested in the Corporation and every Indian insurance company shall forthwith give effect to such transfer of shares and rectify its register of members by including therein the Corporation as the holder of such shares.

CHAPTER IV

Amounts to be paid for acquisition

11. Amounts to be paid for transfer and vesting of shares or undertakings. — (1) For the transfer of the shares of each Indian insurance company to, and vesting in, the Central Government, under section 4, there shall be paid by the Central Government to the Corporation, for distribution to the shareholders of each such company, the amount specified against such company in the corresponding entry under column (3) of Part A of the Schedule.

(2) For the transfer to, and vesting in, the Central Government, under section 5, of the undertaking of each existing insurer, who is not an Indian insurance company, there shall be paid by the Central Government to the Corporation, for payment of each such existing insurer, the amount specified against such insurer in the corresponding entry under column (3) of Part B of the Schedule.

12. Disbursement of amounts by Corporation. —

(1) The total amount paid by the Central Government under section 11 shall be treated as additional contribution to the subscribed capital of the corporation and such additional subscribed capital shall stand allotted to, and vested in, the Central Government.

(2) The Corporation shall distribute the amount paid to it under section 11, to the shareholders of each Indian insurance company and to each existing insurer, who is not an Indian insurance company, in accordance with their rights and interests, and, if there is any doubt or dispute as to the right, or extent of the right, of any person to receive the whole or any part of such amount, refer such doubt or dispute to the Central Government for determination and thereafter act in accordance with the determination made by that Government.

(3) Save as otherwise provided in sub-section (2), the amount referred to in section 11 shall be given in accordance with the provisions of section 13, section 14 or section 15, as the case may be.

13. Mode of payment. — (1) Where the amount referred to in section 11 is to be given —

(a) to the members of an Indian insurance company, the amount due to each such member shall be paid in full, where it does not exceed twenty-five thousand rupees, and where it exceeds twenty-five thousand rupees, each such member shall be paid twenty-five thousand rupees and the balance of the amount due to such member shall be paid to him in three equal annual instalments, the first of which shall fall due on the appointed day;

(b) to a foreign insurer, it shall be given to him in cash within three months from the appointed day;

(c) to the Life Insurance Corporation, it shall be given to it in three equal annual instalments, the first of which shall fall due on the appointed day;

(d) to an existing insurer who is a co-operative society, it shall be distributed as soon as may be after the appointed day in accordance with the rules of the society which will apply in case of dissolution of the society;

(e) to an existing insurer not falling within any of the foregoing provisions, it shall be apportioned by the acquiring company among the individual policy-holders of the insurer whose policies with that insurer were in force on the appointed day and were comprised in the undertaking of such insurer in proportion to the premiums paid by the policy-holders under such policies and every such payment shall be made either —

(i) in cash, to be sent by postal money order, or

(ii) at the option of the policy-holder, as a deduction in the premium due at the time of the renewal of the policy and such option shall be exercised by the policy-holder before the expiry of three months from the appointed day (or within such further time not exceeding three months as the Central Government may, on the application of the policy-holder, allow); and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised:

Provided that if any policy-holder fails to exercise his option within the time allowed, he shall be deemed to have exercised his option in favour of payment in cash by postal money order.

(2) Where any amount is payable whether in instalments or otherwise under the provisions of this section, the unpaid amount, where its payment has become due, shall carry interest at the rate of four per cent per annum from the appointed day.

14. Amount payable to shareholders may be paid to named persons instead in certain cases. — (1) Notwithstanding anything contained elsewhere in this Act, if a majority in number of the persons, who, immediately before the appointed day, were registered in the books of an Indian insurance company as the members thereof, and representing two-thirds in value of the amount payable to the Indian insurance company, agree either in person or by proxy at a meeting specially convened for the purpose that the amount so payable instead of being distributed among the members, shall be given to any such person or body of persons as the members may nominate either at that meeting or subsequently for the purpose of carrying on any business, and the Central Government is satisfied that due provision has been or will be made for the payment of the value of their respective shares to persons who have dissented from the resolution, the amount may be given to the person or body of persons so nominated in such manner and sub-

ject to such conditions as the Central Government may think fit.

(2) No resolution passed at any such meeting as is referred to in sub-section (1) held after the appointed day shall have any effect unless the meeting has been convened after obtaining the approval of the Central Government.

15. Payment into court in case of rival claims.— Where a claim to the amount payable under section 11 is made by two or more persons adversely to one another, the corporation may cause the amount to be deposited in any civil court having jurisdiction in that behalf and the court shall decide as to whom the payment shall be made.

CHAPTER V

Scheme for reorganisation of general insurance business

16. Schemes for mergers of companies, etc.— (1) If the Central Government is of opinion that for the more efficient carrying on of general insurance business it is necessary so to do, it may, by notification, frame one or more schemes providing for all or any of the following matters:—

(a) the merger in one Indian insurance company of any other Indian insurance company, or the formation of a new company by the amalgamation of two or more Indian insurance companies;

(b) the transfer to and vesting in the acquiring company of the undertaking (including all its business, properties, assets and liabilities) of any Indian insurance company which ceases to exist by reason of the scheme;

(c) the constitution, name and registered office and the capital structure of the acquiring company and the issue and allotment of shares;

(d) the constitution of a board of management by whatever name called for the management of the acquiring company;

(e) the alteration of the memorandum and articles of association of the acquiring company for such purpose as may be necessary to give effect to the scheme;

(f) the continuance in the acquiring company of the services of all officers and other employees of the Indian insurance company which has ceased to exist by reason of the scheme, on the same terms and conditions which they were getting or, as the case may be, by which they were governed immediately before the commencement of the scheme;

(g) the rationalisation or revision of pay scales and other terms and conditions of service of officers and other employees wherever necessary;

(h) the transfer to the acquiring company of the provident, superannuation, welfare and other funds relating to the officers and other employees of the Indian insurance company which has ceased to exist by reason of the scheme;

(i) the continuance by or against the acquiring company of legal proceedings pending by or against any Indian insurance company which has ceased to exist by reason of the scheme, and the initiation of such legal proceedings, civil or criminal,

as the Indian insurance company might have initiated if it had not ceased to exist;

(j) such incidental, consequential and supplemental matters as are necessary to give full effect to the scheme.

(2) In framing schemes under sub-section (1), the object of the Central Government shall be to ensure that ultimately there are only four companies (excluding the Corporation) in existence and that they are so situate as to render their combined services effective in all parts of India.

(3) Where a scheme under sub-section (1) provides for the transfer of any property or liabilities, then, by virtue of the scheme, the property shall stand transferred to and vested in, and those liabilities shall be transferred to and become the liabilities of, the acquiring company.

(4) If the rationalisation or revision of any pay scale or other terms and conditions of service under any scheme is not acceptable to any officer or other employee, the acquiring company may terminate his employment by giving him compensation equivalent to three months remuneration, unless the contract of service with such employee provides for a shorter notice of termination.

Explanation—The compensation payable to an officer or other employee under this sub-section shall be in addition to, and shall not affect, any pension, gratuity, provident fund or other benefit to which the employee may be entitled under his contract of service.

(5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 14 of 1947. or in any other law for the time being in force, the transfer of the services of any officer or other employee of an Indian insurance company to the acquiring company shall not entitle any such officer or other employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority.

(6) The Central Government may, by notification, add to, amend or vary any scheme framed under this section.

(7) The provisions of this section and of any scheme framed under it shall have effect notwithstanding anything to the contrary contained in any other law or any agreement, award or other instrument for the time being in force.

17. Schemes to be laid before Parliament.— A copy of every scheme and every amendment thereto framed under section 16 shall be laid, as soon as may be after it is made, before each House of Parliament.

CHAPTER VI

Functions of Corporation and acquiring companies and their management

18. Functions of Corporation.— (1) The functions of the Corporation shall include—

(a) the carrying on of any part of the general insurance business, if it thinks it desirable to do so;

(b) aiding, assisting and advising the acquiring companies in the matter of setting up of standards

of conduct and sound practice in general insurance business and in the matter of rendering efficient service to holders of policies of general insurance;

(c) advising the acquiring companies in the matter of controlling their expenses including the payment of commission and other expenses;

(d) advising the acquiring companies in the matter of the investment of their funds;

(e) issuing directions to acquiring companies in relation to the conduct of general insurance business.

(2) In issuing any directions under sub-section (1), the Corporation shall keep in mind the desirability of encouraging competition amongst the acquiring companies as far as possible in order to render their services more efficient.

19. Functions of acquiring companies. — (1) Subject to the rules, if any, made by the Central Government in this behalf and to its memorandum and articles of association, it shall be the duty of every acquiring company to carry on general insurance business.

(2) Each acquiring company shall so function under this Act as to secure that general insurance business is developed to the best advantage of the community.

(3) In the discharge of any of its functions, each acquiring company shall act so far as may be on business principles and where any directions have been issued by the Corporation, shall be guided by such directions.

(4) For the removal of doubts it is hereby declared that the Corporation and any acquiring company may, subject to the rules, if any, made by the Central Government in this behalf, enter into such contracts of reinsurance or reinsurance treaties as it may think fit for the protection of its interests.

20. Balance of profit how to be utilised. — (1) After making provision for bad and doubtful debts, depreciation in assets, provident, superannuation, welfare and other funds, debts due to Government and all other matters for which provision is necessary under any law or which are usually provided for by insurance companies, every acquiring company shall distribute the balance of profit as dividends.

(2) Any profit made by the Corporation and any sums received by the Corporation by way of dividends or otherwise shall be dealt with by it in such manner as may be prescribed.

21. Interim provisions for management of Indian insurance companies. — (1) Notwithstanding anything contained in the Companies Act, or in the memorandum and articles of association of any Indian insurance company, on and from the appointed day and until a new board of directors of the Indian insurance company is duly constituted, the management of the company shall continue to vest in the Custodian in charge of the management of the undertaking of that company immediately before the appointed day by virtue of the provisions contained in the

General Insurance (Emergency Provisions) Act, 1971, and the Custodian shall be entitled, subject to such directions as the Central Government may issue in this behalf, to exercise all the powers and do all acts and things as may be exercised or done by the company or by its board of directors. 17 of 1971.

(2) Nothing contained in sub-section (1) shall be deemed to prevent the Central Government from appointing any other person to take charge of the management of the undertaking of any Indian insurance company during the period referred to in that sub-section if for any reason it becomes necessary so to do, and any person so appointed may exercise all the powers and do all acts and things which a Custodian may exercise or do under sub-section (1).

(3) The Custodian referred to in sub-section (1) and the person appointed under sub-section (2) shall be entitled to such salaries and other allowances as the Central Government may specify in this behalf and shall hold office during the pleasure of the Central Government.

22. Power of Central Government to transfer employees. — The Corporation may at any time transfer any officer or employee from an acquiring company or the Corporation to any other acquiring company or the Corporation, as the case may be, and the officer or employee so transferred, shall continue to have same terms and conditions of service as were applicable to him immediately before such transfer.

23. Power of Central Government to issue directions. — The Corporation and every acquiring company shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may give.

CHAPTER VII

Miscellaneous

24. Acquiring companies to have the exclusive privilege of carrying on general insurance business. — (1) Except to the extent expressly provided in this Act, on and from the appointed day, the Corporation and the acquiring companies shall have the exclusive privilege of carrying on general insurance business in India.

(2) Subject to the provisions of section 36, any certificate of registration granted under the Insurance Act to any insurer other than an insurer referred to in sub-section (1) shall, on and from the appointed day, cease to have effect:

Provided that nothing in this sub-section shall apply to the carrying on by the Life Insurance Corporation of life insurance business and capital redemption and annuity certain business.

25. Properties in India not to be insured with foreign insurers except with permission of Central Government. — (1) No person shall take out or renew any policy of insurance in respect of any property in India or any ship or other vessel or aircraft registered in India with an insurer whose principal place of business is outside India save with the prior permission of the Central Government.

(2) If any person contravenes any provision of sub-section (1), he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

26. Acquiring companies and income-tax.—For the purposes of the Income-tax Act, 1961, every acquiring company 43 of 1961. shall be deemed to be an Indian company and a company in which the public are substantially interested.

27. Power to reduce amounts of insurance in certain cases.—An acquiring company may, having regard to its financial condition on the 13th day of May, 1971 or the financial condition on the said date of any existing insurer whose undertaking has been transferred to and vested in it under this Act reduce the liabilities which have arisen under contracts of general insurance entered into before the said date in such manner and subject to such conditions as it thinks fit:

Provided that no such reduction shall be made except in accordance with specific proposals made by the acquiring company in this behalf and approved by the Central Government.

28. Right of acquiring company to seek relief in respect of certain transactions.—(1) Where an existing insurer has at any time within five years before the 13th day of May, 1971—

(a) made any payment to any person without consideration,

(b) sold or disposed of any property of the insurer without consideration or for an inadequate consideration,

(c) acquired any property or rights for an excessive consideration,

(d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the insurer,

(e) entered into any other transaction of such an onerous nature as to cause a loss to, or impose a liability on, the insurer exceeding any benefit accruing to the insurer,

and the payment, sale, disposal, acquisition, agreement or variation thereof or other transaction was not reasonably necessary for the purpose of the general insurance business of the insurer or was made with an unreasonable lack of prudence on the part of the insurer, regard being had in either case to the circumstances at the time, the acquiring company may apply for relief to the court in respect of such transaction, and all parties to the transaction shall, unless the court otherwise directs, be made parties to the application.

(2) The court may make such order against any of the parties to the application as it thinks just having regard to the extent to which those parties were respectively responsible for the transaction or benefitted from it and all the circumstances of the case.

(3) Where an application is made to the court under this section in respect of any transaction and the application is determined in favour of the acquiring company, the court shall have exclusive jurisdiction to determine any claim outstanding in respect of the transaction.

29. Duty to deliver possession of property and documents relating thereto.—(1) Where any property appertaining to an existing insurer has been transferred to and vested in an Indian insurance company under section 5,—

(a) every person in whose possession, custody or control any such property may be, shall deliver the property to the Indian insurance company forthwith,

(b) any person who immediately before such vesting has in his possession, custody or control any books, documents or other papers relating to an existing insurer shall be liable to account for the said books, documents and papers to the Indian insurance company, and shall deliver them to that company or to such person as that company may direct.

(2) In particular, all the assets of an existing insurer appertaining to the undertaking held in deposit by the Reserve Bank of India under the Insurance Act or by trustees in trust shall be delivered to the Indian insurance company.

(3) Without prejudice to the other provisions contained in this section, it shall be lawful for each Indian insurance company to take all necessary steps for taking possession of all properties which have been transferred to and vested in it under this Act.

30. Penalty for withholding property, etc.—If any person wilfully withholds or fails to deliver to an Indian insurance company as required by section 29 any property or any books, documents or other papers which may be in his possession or unlawfully retains possession of any property of an existing insurer which has been transferred to and vested in an Indian insurance company under section 5 or wilfully applies any such property to purposes other than those expressed in or authorised by this Act, he shall, on the complaint of the Indian insurance company, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

31. Officers and employees of Corporation or of acquiring companies to be public servants.—Every officer or other employee of the Corporation or of an acquiring company shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code. 45 of 1860.

32. Indemnity.—Every officers of the Central Government and every officer or other employee of the Corporation and of any acquiring company shall be indemnified by the Central Government or the Corporation or the acquiring company, as the case may be, against all losses and expenses incurred by him in, or in relation to, the discharge of his duties under this Act except such as have been caused by his own wilful act or default.

33. Dissolution of Corporation and acquiring companies.—No provision of law relating to the winding up of companies shall apply to the Corporation or to an acquiring company, and neither the Corporation nor any such company shall be placed in liquidation save by order of the Central Government and in such manner as it may direct.

34. Reference to existing insurer in other laws. — Any reference to an existing insurer in any law other than this Act or any contract or other instrument shall, in so far as it relates to an acquiring company, be construed as a reference to that company.

35. Application of Insurance Act. — Subject to such exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Insurance Act shall apply to or in relation to the Corporation and every acquiring company as if the Corporation or the acquiring company, as the case may be, were an insurer carrying on general insurance business within the meaning of that Act.

36. Exemptions. — (1) Nothing contained in this Act shall apply in relation to —

(a) any general insurance business carried on by a State Government, to the extent to which such insurance relates to properties belonging to it or undertakings owned wholly or mainly by the State Government; or to properties belonging to semi-government bodies, or any Board or body corporate established by the State Government under any statute or any industrial or commercial undertaking in which the State Government has substantial financial interest, whether as shareholder, lender or guarantor;

(b) any general insurance business not falling within clause (a) which has been carried on by a State Government before the commencement of this Act, to the extent to which it is necessary to allow such business to run off:

Provided that nothing contained in this clause shall be deemed to authorise the State Government to issue new policies or renew any existing policies;

(c) any insurer whose business is being voluntarily wound up or is being wound up by a court;

(d) the insurance business carried on by the Calcutta Hospital and Nursing Home Benefits Association Limited;

(e) the insurance business carried on by the Export Credit and Guarantee Corporation Limited and the Deposit Insurance Corporation established under section 3 of the Deposit Insurance Corporation Act, 1961;

47 of 1961.

(f) any scheme in existence immediately before the 14th day of May, 1971 or any scheme framed after the said day with the approval of the Central Government for the insurance of crops or of cattle or of flood risks or of war or emergency risks.

(2) If the Central Government is satisfied that an insurer, whether established before or after the appointed day, carries on only such general insurance business as is not carried on ordinarily by insurers, it may, by notification, direct that nothing contained in this Act shall apply to such insurer.

37. Vacancies, etc., not to invalidate proceedings. — No act or proceeding of the Corporation or of an acquiring company shall be called in question merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Corporation or the company.

38. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against any officer of the Central Government or officer or other employee of the Corporation or of the acquiring company for anything which is in good faith done or intended to be done under this Act.

39. Power to make rules. — (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for —

(a) the manner in which the profits, if any, and other moneys received by the Corporation may be dealt with;

(b) the conditions, if any, subject to which the Corporation and the acquiring companies shall carry on general insurance business;

(c) the terms and conditions subject to which any reinsurance contracts or treaties may be entered into;

(d) the form and manner in which any notice or application may be given or made to the Central Government.

(e) the reports which may be called for by the Central Government from the Corporation and the acquiring companies;

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section and every notification issued under section 35 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

40. Omission of section 14 of Act 17 of 1971. — Section 14 of the General Insurance (Emergency Provisions) Act, 1971, is omitted.

THE SCHEDULE

(See section 11)

Amounts to be paid

PART-A

Serial Number	Name of Indian insurance company	Amount to be paid
(1)	(2)	(3)
1	All India General Insurance Company Ltd.	10,00,000
2	Anand Insurance Company Preference Shares Ltd.	3,50,000
	Equity Shares	2,00,000
3	Bhabha Marine Insurance Company Ltd.	54,448

PART-B

(1)	(2)	(3)	Serial Number	Name of insurer	Amount to be paid
(1)	(2)	(3)	(1)	(2)	(3)
4	Bharat General Reinsurance Preference Shares Ltd.	8,18,000	1	Co-operative Fire & General Insurance Society Ltd. ...	18,69,000
	Ordinary Shares	13,49,844	2	Co-operative General Insurance Society Ltd. ...	5,93,000
5	British India General Insurance Company Ltd. ...	37,50,000	3	Indian Mutual General Insurance Society Ltd. ...	1,40,000
6	Calcutta Insurance Limited ...	7,49,442	4	Life Insurance Corporation of India ...	2,81,34,000
7	Central Mercantile Assurance Company Ltd. ...	3,38,499	5	Milowners, Mutual Insurance Association Ltd. ...	12,89,000
8	Clive Insurance Company Ltd. ...	26,12,600	6	Orissa Co-operative Insurance Society Ltd. ...	2,83,000
9	Commonwealth Assurance Company Ltd. ...	1,000	7	Reinsurance Association of India (International) Ltd. ...	13,000
10	Concord of India Insurance Company Ltd. ...	39,77,100	8	Union Co-operative Insurance Society Ltd. ...	37,60,000
11	Devkaran Nanjee Insurance Company Ltd. ...	16,80,000	9	Alliance Assurance Company Ltd. ...	36,65,000
12	General Assurance Society Ltd. ...	8,06,000	10	American Insurance Company ...	3,30,000
13	Hercules Insurance Company Ltd. ...	87,48,000	11	Atlas Assurance Company Ltd. ...	64,85,000
14	Hindusthan General Insurance Society Ltd. ...	15,52,500	12	Baloise Insurance Company Limited ...	22,67,000
15	Hisdusthan Ideal Insurance Company Ltd. ...	25,20,605	13	British Aviation Insurance Company Ltd. ...	1,000
16	Howrah Insurance Company Ltd. ...	975	14	Caledonian Insurance Company ...	81,000
17	Hukumchand Insurance Company Ltd. ...	10,00,000	15	Century Insurance Company Ltd. ...	6,04,000
18	India Reinsurance Corporation Ltd. ...	2,05,02,200	16	Commercial Union Assurance Company Ltd. ...	85,20,000
19	Indian Guarantee & General Insurance Company Ltd. ...	1,95,69,760	17	Eagle Star Insurance Company Ltd. ...	37,12,000
20	Indian Mercantile Insurance Company Ltd. ...	50,83,195	18	Gerling Global Reinsurance Company Ltd. ...	1,000
21	Indian Merchants' Marine Insurance Company Ltd. ...	2,28,753	19	Great American Insurance Company ...	3,81,000
22	Indian Ocean Insurance Company Ltd. ...	1,00,000	20	Guardian Assurance Company Ltd. ...	19,98,000
23	Indian Trade & General Insurance Company Ltd. ...	61,21,200	21	Hanover Insurance Company ...	42,13,000
24	Jalanath Insurance Ltd. ...	10,42,955	22	Hartford Fire Insurance Company ...	2,96,000
25	Jupiter General Insurance Company Ltd. ...	26,24,445	23	Home Insurance Company ...	3,73,000
26	Kalyan Marine Insurance Company Ltd. ...	1,79,880	24	Legal & General Assurance Society Ltd. ...	5,28,000
27	Liberty Insurance Company Ltd. ...	1,000	25	Liverpool and London and Globe Insurance Company Ltd. ...	8,23,000
28	Madras Motor and General Insurance Company Ltd. ...	1,77,69,600	26	London Assurance ...	12,30,000
29	Madura Insurance Company Preference Shares Ltd. ...	700	27	London Guarantee & Accident Company Ltd. ...	40,000
	Ordinary Shares	15,83,900	28	London & Lancashire Insurance Company Ltd. ...	47,70,000
	Deferred Shares	12,500	29	L'Union Fire, Accident and General Insurance Company Ltd. ...	1,000
30	Marine & General Insurance Company Ltd. ...	8,95,300	30	National Employers' Mutual General Insurance Association Ltd. ...	3,17,003
31	Mother India Fire & General Insurance Company Ltd. ...	7,44,345	31	National Insurance Company of New Zealand Ltd. ...	1,000
32	Motor Owners' Insurance Company Ltd. ...	1,65,575	32	New Hampshire Insurance Company ...	19,08,000
33	Naranji Bhanabhai & Company Ltd. ...	49,200	33	New Zealand Insurance Company Ltd. ...	10,84,000
34	Narhari Marine Insurance Company Ltd. ...	2,36,400	34	Norwich Union Fire Insurance Society Ltd. ...	31,43,000
35	National Insurance Company Ltd. ...	60,58,150	35	Phoenix Assurance Company Ltd. ...	2,63,000
36	Neptune Assurance Company Ltd. ...	10,00,000	36	Provincial Insurance Company Ltd. ...	1,000
37	New Great Insurance Company of India Ltd. ...	43,50,000	37	Queensland Insurance Company Ltd. ...	10,31,000
38	New India Assurance Company Limited ...	8,20,37,678	38	Royal Exchange Assurance ...	49,62,000
39	New Merchants Insurance Company Ltd. ...	68,912	39	Royal Insurance Company Ltd. ...	73,28,000
40	New Premier Insurance Company Ltd. ...	1,21,110	40	Scottish Union & National Insurance Company ...	43,15,000
41	Northern India General Insurance Company Ltd. ...	998	41	Skandia Insurance Company Ltd. ...	1,000
42	Oriental Fire & General Insurance Company Ltd. ...	2,43,98,000	42	South British Insurance Company Ltd. ...	18,42,000
43	Pandyan Insurance Company Ltd. ...	90,00,000	43	Sun Insurance Office Ltd. ...	25,86,000
44	Pioneer Fire & General Insurance Company Ltd. ...	11,82,610	44	Switzerland General Insurance Company Ltd. ...	6,35,000
45	Porbandar Insurance Company Ltd. ...	59,194	45	Threadneedle Insurance Company Ltd. ...	1,000
46	Prachi Insurance Company Ltd. ...	21,375	46	Tokio Marine & Fire Insurance Company Ltd. ...	92,000
47	Ruby General Insurance Company Ltd. ...	1,38,74,000	47	Union Insurance Society of Canton Ltd. ...	5,89,000
48	Shree Mahasagar Vima Company Ltd. ...	1,18,252	48	United Scottish Insurance Company Ltd. ...	83,000
49	South India Insurance Company Ltd. ...	60,63,000	49	Welfare Insurance Company Ltd. ...	1,000
50	Sterling General Insurance Preference Shares Company Ltd. ...	23,000	50	Western Assurance Company ...	13,92,000
	Ordinary Shares	16,08,139	51	Yorkshire Insurance Company Ltd. ...	16,31,000
51	Triton Insurance Company Ltd. ...	47,07,180	52	Zurich Insurance Company Ltd. ...	1,000
52	United India Fire & General Insurance Company Ltd. ...	21,39,991			
53	Universal Fire & General Insurance Company Ltd. ...	24,71,618			
54	Vanguard Insurance Company Ltd. ...	896			
55	Vulcan Insurance Company Ltd. ...	32,49,617			

The Seeds (Amendment) Act, 1972

AN
ACT

to amend the Seeds Act, 1966

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Seeds (Amendment) Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Seeds Act, 1966 (hereinafter referred to as the principal Act), in clause (11) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) jute seeds.”

3. Insertion of new sections 8A to 8E.—After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. The Central Seed Certification Board.—

(1) The Central Government shall, by notification in the Official Gazette, establish a Central Seed Certification Board (hereinafter referred to as the Board) to advise the Central Government and the State Governments on all matters relating to certification, and to co-ordinate the functioning of the agencies established under section 8.

(2) The Board shall consist of the following members, namely:—

(i) a Chairman, to be nominated by the Central Government;

(ii) four members, to be nominated by the Central Government from out of the persons employed by the State Governments as Directors of Agriculture;

(iii) three members, to be nominated by the Central Government from out of the persons employed by the Agricultural Universities as Directors of Research;

(iv) thirteen persons, to be nominated by the Central Government to represent such interests as that Government thinks fit, of whom not less than four persons shall be representatives of seed producers or tradesmen.

(3) A member of the Board shall, unless his seat becomes vacant earlier by resignation or otherwise, be entitled to hold office for two years from the date of his nomination:

Provided that a person nominated under clause (ii) or clause (iii) of sub-section (2) shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

8B. Other Committees.—The Board may appoint as many Committees as it deems fit consisting wholly of the members of the Board or wholly of other persons or partly of members of the Board and partly of other persons as it thinks fit to exercise such powers and perform such duties as may be delegated to them, subject to such conditions as it may think fit, by the Board.

8C. Proceedings of Board or Committee not to be invalid by reason of any vacancy therein.—No proceeding of the Board or any Committee thereof shall become invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof.

8D. Procedure for Board.—The Board may, subject to the previous approval of the Central

Government, make bye-laws for the purpose of regulating its own procedure and the procedure of any Committee thereof and the conduct of all business to be transacted by it or such Committee.

8E. Secretary and other officers.—The Central Government shall—

(i) appoint a person to be the Secretary of the Board, and

(ii) provide the Board with such technical and other staff as the Central Government considers necessary.”

4. Amendment of section 9.—In section 9 of the principal Act,—

(i) in sub-section (3), for the words, brackets, letter and figures “minimum limits of germination and purity specified for that seed under clause (a) of section 6”, the words “prescribed standards” shall be substituted;

(ii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that such standards shall not be lower than the minimum limits of germination and purity specified for that seed under clause (a) of section 6.”

5. Amendment of section 25.—In section 25 of the principal Act,—

(a) in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

“(ff) the standards to which seeds should conform;”;

(b) in sub-section (3), for the words “in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

The Mines and Minerals (Regulation and Development) Amendment Act, 1972

AN
ACT

further to amend the Mines and Minerals (Regulation and Development) Act, 1957.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mines and Minerals (Regulation and Development) Amendment Act, 1972.

2. Insertion of new section 4A.—In the Mines and Minerals (Regulation and Development) Act, 1957 (hereinafter referred to as the principal Act), after section 4, the following section shall be inserted, namely:—

“4A. Termination of mining leases.—(1) Where the Central Government, after consultation with the State Government, is of opinion that it is ex-

67 of 1957.

pedient in the interest of regulation of mines and mineral development so to do, it may request the State Government to make a premature termination of a mining lease in respect of any mineral, other than a minor mineral, and, on receipt of such request, the State Government shall make an order making a premature termination of such mining lease and granting a fresh mining lease in favour of such Government company or corporation owned or controlled by Government as it may think fit.

(2) Where the State Government, after consultation with the Central Government, is of opinion that it is expedient in the interest of regulation of mines and mineral development so to do, it may, by an order, make premature termination of a mining lease in respect of any minor mineral and grant a fresh lease in respect of such mineral in favour of such Government company or corporation owned or controlled by Government as it may think fit."

3. Amendment of section 6.—In section 6 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) No person shall acquire in any one State in respect of any mineral or prescribed group of associated minerals—

(a) one or more prospecting licences covering a total area of more than twenty-five square kilometres; or

(b) one or more mining leases covering a total area of more than ten square kilometres:

Provided that if the Central Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded by it in writing, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid total area;

(c) any mining lease or prospecting licence in respect of an area which is not compact or contiguous:

Provided that if the Central Government is of opinion that in the interests of the development of any mineral, it is necessary so to do, it may, for reasons to be recorded in writing, permit any person to acquire a prospecting licence or mining lease in relation to any area which is not compact or contiguous."

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) For the purposes of determining the total area referred to in sub-section (1), the area held under a prospecting licence or mining lease by a person as a member of a co-operative society, company or other corporation, or a Hindu undivided family or a partner of a firm, shall be deducted from the area referred to in sub-section (1) so that the sum total of the area held by such person, under a prospecting licence or mining lease, whether as such member or partner, or individually, may not, in any case, exceed the total area specified in sub-section (1)."

4. Amendment of section 9.—In section 9 of the principal Act,—

(i) in sub-sections (1) and (2), for the words "mineral removed by him", wherever they occur, the words "mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, shall not be liable to pay any royalty in respect of any coal consumed by a workman engaged in a colliery provided that such consumption by the workman does not exceed one-third of a tonne per month."

(iii) in sub-section (3), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the Central Government shall not enhance the rate of royalty in respect of any mineral more than once during any period of four years."

5. Insertion of new section 9A.—After section 9 of the principal Act, the following section shall be inserted, namely:—

"9A. Dead rent to be paid by the lessee.—(1) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, shall notwithstanding anything contained in the instrument of lease or in any other law for the time being in force, pay to the State Government, every year, dead rent at such rate as may be specified, for the time being, in the Third Schedule, for all the areas included in the instrument of lease:

Provided that where the holder of such mining lease becomes liable, under section 9, to pay royalty for any mineral removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee from the leased area, he shall be liable to pay either such royalty or the dead rent in respect of that area, whichever is greater.

(2) The Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to enhance or reduce the rate at which the dead rent shall be payable in respect of any area covered by a mining lease and such enhancement or reduction shall take effect from such date as may be specified in the notification:

Provided that the Central Government shall not enhance the rate of the dead rent in respect of any such area more than once during any period of four years."

6. Insertion of new section 13A.—After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. Power of Central Government to make rules for the grant of prospecting licences or mining leases in respect of territorial waters or continental shelf of India.—(1) The Central Government may, by notification in the Official

Gazette, make rules for the grant of prospecting licences or mining leases in respect of any minerals underlying the ocean within the territorial waters or the continental shelf of India.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions, limitations and restrictions subject to which prospecting licences or mining leases may be granted;

(b) regulation of exploration and exploitation of minerals within the territorial waters or the continental shelf of India;

(c) ensuring that such exploration or exploitation does not interfere with navigation; and

(d) any other matter which is required to be, or may be, prescribed.”

7. Amendment of section 14.—In section 14 of the principal Act, for the words “prospecting licences and mining leases”, the words “quarry leases, mining leases or other mineral concessions” shall be substituted.

8. Amendment of section 15.—In section 15 of the principal Act,—

(i) in sub-sections (1) and (2), for the words “prospecting licences and mining leases”, wherever they occur, the words “quarry leases, mining leases or other mineral concessions” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

“(3) The holder of a mining lease or any other mineral concession granted under any rule made under sub-section (1) shall pay royalty in respect of minor minerals removed or consumed by him or by his agent, manager, employee, contractor or sub-lessee at the rate prescribed for the time being in the rules framed by the State Government in respect of minor minerals:

Provided that the State Government shall not enhance the rate of royalty in respect of any minor mineral for more than once during any period of four years.”

9. Amendment of section 16.—In section 16 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) (a) All mining leases granted before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, if in force at such commencement, shall be brought into conformity with the provisions of this Act, and the rules made thereunder, within six months from such commencement, or such further time as the Central Government may, by general or special order, specify in this behalf.

(b) Where the rights under any mining lease, granted by the proprietor of an estate or tenure before the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, have vested, on or after the 25th day of October, 1949, in the State Government in pursuance of the provisions of any Act of any Provincial or State Legislature which provides for the ac-

quisition of estates or tenures or provides for agrarian reform, such mining lease shall be brought into conformity with the provisions of this Act and the rules made thereunder within six months from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, or within such further time as the Central Government may, by general or special order, specify in this behalf.”

10. Amendment of section 17.—In section 17 of the principal Act, in sub-section (1),—

(i) the word “only” shall be omitted;

(ii) after the words “Government of a State”, the words “or any other person” shall be inserted.

11. Insertion of new section 18A.—After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. Power to authorise Geological Survey of India, etc., to make investigation.—(1) Where the Central Government is of opinion that for the conservation and development of minerals in India, it is necessary to collect as precise information as possible with regard to any mineral available in or under any land in relation to which any prospecting licence or mining lease has been granted, whether by the State Government or by any other person, the Central Government may authorise the Geological Survey of India, or such other authority or agency as it may specify in this behalf, to carry out such detailed investigations for the purpose of obtaining such information as may be necessary:

Provided that in the cases of prospecting licences or mining leases granted by a State Government, no such authorisation shall be made except after consultation with the State Government.

(2) On the issue of any authorisation under sub-section (1), it shall be lawful for the Geological Survey of India or the specified authority or agency, and its servants and workmen—

(a) to enter upon such land,

(b) to dig or bore into the sub-soil,

(c) to do all other acts necessary to determine the extent of any mineral available in or under such land,

(d) to set out boundaries of the land in which any mineral is expected to be found,

(e) to mark such boundaries and line by placing marks,

(f) where otherwise the survey cannot be completed on the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no such authority or agency shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of its intention to do so.

(3) Whenever any action of the nature specified in sub-section (2) is to be taken, the Central Government shall, before or at the time when such action is taken, pay or tender payment for all ne-

cessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, the Central Government shall refer the dispute to the principal civil court of original jurisdiction having jurisdiction over the land in question.

(4) The fact that there exists any such dispute as is referred to in sub-section (3) shall not be a bar to the taking of any action under sub-section (2).

(5) After the completion of the investigation, the Geological Survey of India or the specified authority or agency by which the investigation was made shall submit to the Central Government a detailed report indicating therein the extent and nature of any mineral which lies deposited in or under the land.

(6) The costs of the investigation made under this section shall be borne by the Central Government:

Provided that where the State Government or other person in whom the minerals are vested or the holder of any prospecting licence or mining lease applies to the Central Government to furnish to it or him a copy of the report submitted under sub-section (5), that State Government or other person or the holder of a prospecting licence or mining lease, as the case may be, shall bear such reasonable part of the costs of investigations as the Central Government may specify in this behalf and shall, on payment of such part of the costs of investigation, be entitled to receive from the Central Government a true copy of the report submitted to it under sub-section (5)."

12. Amendment of section 21.—In section 21 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Whoever contravenes the provisions of sub-section (1) of section 4 shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both."

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) Where any person trespasses into any land in contravention of the provisions of sub-section (1) of section 4, such trespasser may be served with an order of eviction by the State Government or any authority authorised in this behalf by that Government and the State Government or such authorised authority may, if necessary, obtain the help of the police to evict the trespasser from the land.

(4) Whenever any person raises, without any lawful authority, any mineral from any land, and, for that purpose, brings on the land any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or other thing shall be liable to be seized by a magistrate specially empowered in this behalf.

(5) Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such per-

son the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority."

13. Insertion of new section 23A.—After section 23 of the principal Act, the following section shall be inserted, namely:—

"23A. **Compounding of offences.**—(1) Any offence punishable under this Act or any rule made thereunder may, either before or after the institution of the prosecution, be compounded by the person authorised under section 22 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(2) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be released forthwith."

14. Amendment of section 25.—Section 25 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Any rent, royalty, tax, fee or other sum due to the Government either under this Act or any rule made thereunder or under the terms and conditions of any prospecting licence or mining lease may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as if it were an arrear of land revenue and every such sum which becomes due to the Government after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, together with the interest due thereon, shall be a first charge on the assets of the holder of the prospecting licence or mining lease, as the case may be."

15. Amendment of section 28.—In section 28 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every rule and every notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment

shall be without prejudice to the validity of anything previously done under that rule or notification."

16. **Insertion of Third Schedule.**—After the Second Schedule to the principal Act, the following Schedule shall be inserted, namely:—

"THE THIRD SCHEDULE

(See section 9A)

Dead Rent

Period of the mining lease	Rate of dead rent per hectare
1. 1st year	<i>Nil</i>
2. 2nd year to 5th year	Rs. 12.50
3. 6th year to 10th year	Rs. 25.00
4. 11th year onwards	Rs. 37.50."

Notification

LD/192/73

The following notification received from the Government of India, Ministry of Home Affairs New-Delhi is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 12th January, 1973.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF HOME AFFAIRS

(Grih Mantralaya)

New-Delhi — 110001, the 1st January, 1973

Notification

G. S. R. — In exercise of the powers conferred by section 6 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends to the Union Territory of Goa, Daman and Diu, the Criminal Law Amendment Ordinance, 1944 (Ord. 38 of 1944), subject to the following modification, namely:—

MODIFICATION

In sub-section (2) of section 2 and section 11 of the said Ordinance, references to the High Court shall be construed as references to the Court of the Judicial Commissioner for Goa, Daman and Diu, established under section 3 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (10 of 1963).

[F. 7/19/72-(i)-UTL(121)]

M. R. SACHDEVA

Under Secretary to the Government of India.

G. S. R. — In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of the Union territory of Goa, Daman and Diu shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under the Criminal Law Amendment

Ordinance, 1944 (Ord. 38 of 1944), within the said territory.

[No. F. 7/19/72-(ii)-UTL]

M. R. SACHDEVA

Under Secretary to the Government of India.

Local Self Government Department

Notification

3-91-72-LSG

The following draft of Goa, Daman and Diu Municipalities (Common Cadre of Municipal Engineers) Rules, 1972 which are proposed to be framed under the Goa, Daman and Diu Municipalities Act 1968 (7 of 1969) are hereby pre-published for the information of general public as required by sub-section (3) of Section 306 of the said Act. Notice is hereby given that the draft rules will be taken into consideration by the Government on the expiry of 15 days. Any person who has any suggestions to make may send them to the Under Secretary to the Government of Goa, Daman and Diu in the Local Self Government Department Secretariat, Panaji, Goa, before the expiry of 15 days of this publication, so that they may be taken into account at the time of finalization of the Draft Rules.

DRAFT RULES

In exercise of the powers conferred by section 306 read with sub-section (6) of section 72 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) and all other powers enabling him in this behalf the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Municipalities (Common Cadre of Municipal Engineers) Rules 1972.

(2) They shall come into force at once.

2. **Definitions.**—(a) "Act" means the Goa, Daman and Diu Municipalities Act 1968, (7 of 1969).

(b) "Common Cadre" means the cadre constituted under item (b) of sub-section (5) of section 72 of the Act.

(c) "Comunidade Engineer" means a person who is or was on 1-1-1970, working as an Engineer in the Cadre of Comunidades.

(d) "Senior Grade" means an Engineer recruited for 'B' Class Municipal Council.

(e) "Junior Grade" means an Engineer recruited for 'C' Class Municipal Council.

3. **Classification of Common Cadre.**—The Common Cadre of Municipal Engineer shall have Engineers of two grades, namely.

(i) Senior Grade (for all 'B' Class Municipal Council);

(ii) Junior Grade (for all 'C' Class Municipal Council);

4. **Method of recruitment.**—(i) The post of Senior Grade Municipal Engineer shall be filled in by absorption of the Engineers of Municipal Councils

and Comunidade Engineers, failing which by transfer on deputation of an Assistant Engineer of the Public Works Department.

Provided that no person shall be absorbed under this sub-rule unless he possesses the qualifications prescribed for the post of Assistant Engineer in the Public Works Department.

(ii) The post of Junior Grade Municipal Engineer shall be filled by absorption of the technical staff other than the Municipal Engineer of the Municipal Councils, failing which by transfer on deputation of a Section Officer from the Public Works Department.

Provided that no person shall be absorbed under this sub-rule, unless he possesses the qualifications prescribed for the post of Section Officer in the Public Works Department.

5. The period of Deputation. — The normal period for which an officer shall be sent on deputation as Municipal Engineer to a Municipal Council shall be of 3 years duration.

Provided that the Director of Municipal Administration may extend or reduce the normal period, for such period as he may find it necessary. In such cases the Municipal Council shall immediately extend the service or relieve the Municipal Engineer as per the direction of the Director of Municipal Administration.

6. Pay and Allowances. — The scale of pay attached to the Municipal Engineers shall be as follows:

(i) Senior Grade: Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900.

(ii) Junior Grade: Rs. 240-10-290-EB-15-380.

Dearness and other allowances shall be paid at such rates as may be determined by the Government from time to time. The Municipal Engineers on deputation shall draw their pay and other allowances as admissible from time to time. The expenditure on account of pay and allowances shall be met from the Municipal Funds of the Council in which the Municipal Engineer is serving.

7. Requisition for filling of vacancy. — The President of a Municipal Council shall submit a written request to the Director of Municipal Administration for recommending the name of an officer for filling the post. On receipt of such requisition the Director of Municipal Administration shall propose or cause to propose the name of the Officer for being appointed as Municipal Engineer of a Municipal Council from amongst those recruited under Rule 4, either by transfer or deputation. The Municipal Council shall issue appointment order immediately on the recommendation of the Director of Municipal Administration and a copy thereof sent for information of the Director.

8. Protection of past services. — The service rendered by Municipal Engineers and technical staff as well as the Engineers of Comunidades absorbed in the cadre shall be taken into consideration for the purpose of pensionary benefits, gratuity and other matters.

9. Pension liabilities. — Pension liability for the service rendered in the Municipal Council and Comunidades before their absorption in the Common Cadre will be borne by the concerned Municipal Council or Comunidade in a proportionate share for the period of service rendered to each of those organisations.

10. Other matters. — The Condition of service of Municipal Engineer and other technical staff of the existing Municipal Councils as well as the Comunidade Engineers relating to matters for which no provision has been made in these rules shall be governed by the rules applicable to Central Government employees.

11. Transitional provisions. — The Municipal Engineers the other technical staff working in the Municipal Council and the Comunidade Engineers those in service and the others whose services have been terminated for a period not less than two years from the date immediately before the promulgation of these rules shall be absorbed in the cadre provided they possess the technical qualifications as prescribed for the post of Assistant Engineers and Section Officer in the Public Works Department.

Provided that the Government may, in exceptional cases, relax the technical qualifications prescribed.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 16th January, 1973.

Industries and Power Department

Notification

1-476-72-IPD

In exercise of the powers conferred by clause (a) of sub-section (1) of Section 4 of the Indian Ports Act, 1908 (15 of 1908), the Lieutenant Governor of Goa, Daman and Diu hereby extends the said Act to the Port of "SIMBHOR" in the District of Diu; and in pursuance of sub-section (2) of said section 4 defines the limit of the area of Simbhor port to which this Act shall extend as under: —

- Point 1. Lat. 20° 46' 12" N
Long. 71° 08' 42" E
- Point 2. Lat. 20° 46' 12" N
Long. 71° 09' 48" E
- Point 3. Lat. 20° 45' 06" N
Long. 71° 09' 48" E
- Point 4. Lat. 20° 45' 06" N
Long. 71° 08' 42" E

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary Industries and Labour.

Panaji, 16th January, 1973.